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# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

### *Board of Building Regulations and Standards*

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Richard Crowley  
BBRS Chair

Thomas Perry  
BBRS Vice-Chair

Felix Zemel  
BBRS Administrator

## **APPROVE MINUTES**

### **Board of Building Regulations and Standards (BBRS)**

**Cafeteria Conference Room – One Ashburton Place – Boston, MA 02108**

**March 8, 2016 @ 1:00 p.m.**

- Chairman, Richard Crowley (RC) opened the meeting at approximately 1:10 p.m. and then roll call was taken as follows:

Richard Crowley V-Chair (RC)	✓ present <input type="checkbox"/> absent	Thomas Perry (TP)	✓ present <input type="checkbox"/> absent
Felix Zemel* (FZ)	✓ present <input type="checkbox"/> absent	Peter Ostroskey* (PO)	✓ present <input type="checkbox"/> absent
John Couture (JC)	✓ present <input type="checkbox"/> absent	Monica Simmons (MS)	<input type="checkbox"/> present ✓ absent
Kevin Gallagher (KG)	✓ present <input type="checkbox"/> absent	Michael McDowell (MM)	✓ present <input type="checkbox"/> absent
Jerry Ludwig (JL)	✓ present <input type="checkbox"/> absent	Chris Penne (CP)	<input type="checkbox"/> present ✓ absent
Kerry Dietz (KD)	✓ present <input type="checkbox"/> absent		

- \* Robert Anderson (RA) participated as the designee for Acting Building Chief of Inspections, Felix Zemel.
- \* Jen Hoyt (JH) participated as the designee for State Fire Marshal, Peter Ostroskey.

#### **General notes on format of these minutes:**

- Votes are noted as **Motion** by, seconded by, and whether it was a unanimous or split vote.
- Agenda topics appear herein as numbered but may have been taken out of order as they appear on the meeting agenda.
- The March 8th Agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.

- On a **MOTION** by JH seconded by TP it was unanimously voted to approve the minutes (**EXHIBIT B**) for the February 9, 2016 BBRS meeting with the following revisions:
  - Page 3, fourth full paragraph, **revise** as follows:

**101.5 BBRs Technical Advisory Committees.** FZ presented the proposed composition changes to the BBRs Technical Advisory Committees to the board members (**Exhibit K**) for discussion. He explained that one of the code consultant positions will be replaced by a fire prevention officer. He also explained that a definition was derived for code consultants to be used for the membership of the Chapter 34 Committee. MM asked if a CSL holder could be added to the list of licensed individuals eligible to be considered a Code Consultant. JN asked to change “duly licensed” to “duly licensed and/or certified” because fire prevention officers and building officials are ~~licensed~~ **certified** not ~~certified~~ **licensed**. FZ noted that the Property Maintenance Advisory Committee will be charged with defining property maintenance standards, but will defer to the FPPF Committee for guidance in maintenance of Fire Protection Systems. DH explained that this is being recommended for inclusion in the text of the code in order to minimize risk of Conflict-of-Interest Law violations.

- **Page 6, change** Fire Protection Exhibition/Conference Exhibit Booth Committee make-up as follows:
  - Felix Zemel (DPS);
  - Andy Majuri & John Wojciechowicz (DPS State Building Inspectors);
  - DFS Staff
  - ~~Robert Carasitti (Fire Protection Engineer);~~
  - **Fire Chief from a city with a convention center**
  - Maurice Pilette (Fire Protection Engineer);
  - Eric Cote (Fire Protection Engineer);
  - Jack Dempsey, or designee (BFD Fire Prevention); and
  - John Donahue, or designee (MCCA)

3. Chairman RC indicated that new BBRs staff will review the white paper regarding the cost effectiveness of sprinklers in 3 – 6 unit residential buildings.
4. Chairman RC also indicated that BBRs staff will resume community survey work relating enhanced sprinkler requirements in certain buildings as established by MGL c. 148, §26G. RC explained that the project was halted due to earlier staff retirements as well as focused efforts necessary to complete the Ninth Edition Code.

KD requested that the survey efforts be completed prior to promulgation of the Ninth Edition so that lingering ambiguities as to when sprinkler systems may\may not be required can be clarified. RC said that it is unlikely that the work would be completed prior to release of the next edition of the code. KD is concerned about inconsistent interpretations of these sprinkler requirements, particularly in western portions of the state and hopes that survey information will help to define and spread consistency.

JH indicated that these requirements originate in general law (*M.G.L. c. 148, §26G*) and are beyond the purview of Board members. However, we (fire services) are not to lowering the limits to 7,500 SF in the building code.

Other members disagreed. Since the general law makes reference to installing systems in accordance with the state building code, members believed it important to ascertain whether or not code enforcement is consistent throughout the commonwealth. Survey information, they believed, will help.

5. On a **MOTION** by MM seconded by KD it was unanimously voted to forward information relating the use of under slab insulation in fully climate-controlled buildings without openable windows, to the Energy Advisory Committee (EAC) for review and comment.
6. RA informed Board members that he offered introductory training on the Ninth Edition Residential Code to state and municipal building inspectors. The training was well attended (400 plus attendees over 4 training dates). RA indicated that the first session did not go as well as he hoped, but other sessions were much better. TP confirmed that the training went well having attended one of the sessions. RA is working on additional trainings to introduce International Building Code (IBC) and International Existing Building Code (IEBC) requirements.

Ian Finlayson reminded Board and audience members that ongoing energy code trainings are also available through *MassSave*.

<http://www.masssave.com/professionals/massachusetts-energy-code-technical-support/training-and-events>

RA provided an update on Executive Order (EO) 562 progress, indicating that public hearing approval has not yet been granted, and that DPS continues to receive questions about the code as part of the process. Chairman RC indicated that many questions pertain to conflict and or duplication issues.

7. RA indicated that a letter was forwarded to Department of Fire Services (DFS) appointing Alexander "Sandy" MacLeod to sit as the BBRS designee on the *Automatic Sprinkler Appeals Board* (EXHIBIT C).
8. On a **MOTION** by TP seconded by MM it was unanimously voted to approve 74 new Construction Supervisor Licenses (CSLs) issued during the month February, 2016.
9. On a **MOTION** by JC seconded by KD it was unanimously voted to approve the February 3, 2016 Building Official Certification Committee (BOCC) meeting minutes (EXHIBIT D) except for items 4f on page 2, 5f, 5i, and 5k on page 3 since these items pertain to MGL c. 143 §3 requirements that state *"The inspector of buildings or building commissioner shall report directly and be solely responsible to the person or public body that appointed him."*

*(It was noted that the meeting date identified on the Board's meeting agenda incorrectly identified this item as the March 2, 2016 meeting.)*

Building Official Federation President, Curt Meskus questioned whether or not there was any progress relating to the appointing authority issue.

RA indicated that, although a number of communications have gone out to municipalities informing them of obligations under the law, the office continues to receive complaints that municipal building officials are forced to report to an intermediary, presumably in violation of the law.

JC asked that the item be placed on the Board's next agenda for further action.

10. RA indicated that the office has received questions\concerns relating to the Board's Official Interpretation Number 2015\_01 (**EXHIBIT E**) pertaining to insulation work allowed absent issuance of a building permit. RA indicated that he discussed the issue at the referenced Ninth Edition code trainings. Many building official attendees were concerned that the interpretation is too lenient; stating that allowing home owners and utilities to install insulation without permits\inspections may lead to ventilation\mold\mildew difficulties to fire hazards. Some suggested the interpretation should be rescinded

Building Official Federation President, Curt Meskus, indicated that he conducted an informal poll at one of the trainings and found that a majority of building inspectors thought the interpretation should be revised to require the issuance of a permit.

Following debate, Board members determined that the interpretation will remain in place for now, however, also directed staff to take a re-evaluate the issue and, if necessary, draft a new interpretation.

11. RA provided an update relating to BBRs\DPS staff, indicating that:
- He has moved onto his position as Director of Construction Code Education;
  - Felix Zemel has been appointed Acting Building Division Chief (*therefore making him Administrator of the BBRs as well*); and
  - Jeffrey Putnam has been elevated to Supervisor of State Building Inspectors.
12. On a **MOTION** by MM seconded by TP Board members unanimously voted to adjourn the meeting at approximately 2:05 p.m.

**EXHIBITS:**

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- A. Meeting Agenda.
- B. BBRs Meeting Minutes February 9, 2016 (*Approved as amended*).
- C. Letter to Department of Fire Services (DFS) appointing Alexander "Sandy" MacLeod to sit as the BBRs designee on the *Automatic Sprinkler Appeals Board*.
- D. February 3, 2016 Building Official Certification Committee (BOCC) meeting minutes (*Approved as amended*).
- E. Interpretation Number 2015\_01 pertaining to insulation work allowed absent issuance of a building permit.